

III. Claims 53-79, drawn to a method of closing an outer housing, classified in class 29, subclass 623.2

Species III, claims 53-67

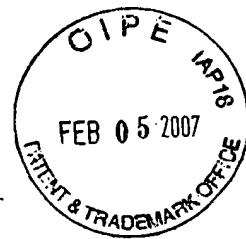
Species IV, claims 68-79

REMARKS

Applicant provisionally elects Group II claims 13-52. The Examiner indicates that a reply to the Restriction Requirement must also include an election of a Species within the elected group. Applicant thus further provisionally elects Species I, claims 13-41 within the Group II claims. The species I, claims 13-41 within Group II are provisionally elected with traverse in that the two Species I and II claims are not "independent and distinct" within the meaning of 35 USC 121 as defined further in MPEP 802.01. At least the test for independence between Species I claims 13-41 and Species II claims 42-52 is not met, because there is sufficient relationship between the two species that they should not be regarded simply as a species under a genus.

Furthermore the two species I and II claims are directed to the same field, namely alkaline cells, further involving a venting mechanism having at least one rupture zone comprising a groove on the cell housing boundary surface. Thus, the same general art would be searched by the Examiner regardless of whether or not the two Species I and II were considered together. It would, therefore, be most efficient to prosecute together both Species I and II claims within Group II claims 13-52 in that any restriction regarding the two Species I and II in this case would cause duplicity of effort by the Patent and Trademark Office and Applicant's Counsel.

The Restriction Requirement is herein believed to be traversed and withdrawal of the restriction is respectfully



requested with respect to Species I and II claims. Further prosecution of the Application is requested.

Authorization is hereby given to debit Deposit Account 502271 for any amount owing or credit the same account for any overcharges in connection with this communication.

Date: Feb. 2, 2007

Respectfully submitted,

Barry D. Josephs

Barry D. Josephs
Attorney At Law
19 North St.
Salem, Mass. 01970

Barry D. Josephs
Reg. No. 27,140
Tel. (978) 741-7999

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I certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on Feb. 2, 2007.

Barry D. Josephs
Barry D. Josephs